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The Commander of Santiago.

President ROOSEVELT'S decision upon Rear Admiral SCHLEY'S appeal from the conclusions of the Court of Inquiry, and upon the latter's subsequent claim that he commanded during the Santiago battle and was entitled to the chief honor of victory, is printed on another page of THE SUN. Where the Schley mania is still in the height of its fever the calm and dispassionate conclusions of President ROOSEVELT can be of comparatively little avail. But to every mind that is at once sober and fair they will appear absolutely conclusive upon each question regarded as at issue.

The President's conception of his part in the controversy can be clearly seen from a brief glance at his preliminary statements. The Court of Inquiry was "unanimous in its findings of fact and unanimous in its expressions of opinion on most of its findings of fact." There was before him no appeal from the verdict of the Court on the points where it was unanimous, but upon these, having carefully reviewed the evidence he concludes that the Court "did substantial justice." In the President's opinion, the "failure to enforce an efficient night blockade at Santiago " should have been condemned, and there was reasonable doubt " whether the movement from port to port, meaning, we suppose from Key West to Cienfuegos and from the latter port to Santiago, was not properly expeditious. Wherein SCHLEY "most gravely erred" the Court has unanimously condemned, namely his "retrograde movement" and his disobedience of orders and misstatement of facts in relation thereto." Concerning these, however, the President expresses the view that the continuation of SCHLEY in command, for which the responsibility must be shared by SAMPson with Secretary Long and President MCKINLEY, indicated that his faults had been condoned. Into this chapter of political history-for such no novice in public life needs to be told that it was almost wholly-let us not enter.

President ROOSEVELT makes two striking comments upon the Brooklyn's loop, which credited that vessel with the "one grave mistake made by any American ship that day." If she had turned toward the Spaniards instead of toward the Americans, while it would have been more dangerous to her. "it would also have been more dangerous to them. And even if she had turned toward the Spaniards, instead of away from them, her danger " would not have been so great as was that to which the Texas was exposed by the turn as actually

However, all that the President deems before him for actual decision is the President McKINLEY did injustice in

Before describing the decision we must note a passage regarding the action of the years of PETER and many more. Dewey court. The Court "might have considered" both the question whether SAMPSON or SCHLEY commanded, and to which was due the credit of the victory; but as a matter of fact, it didn't. It "unanimously excluded evidence ofered" thereon, and, "through its President, announced its refusal to hear Admiral Sampson's side at all." In view of acted in entire propriety in not expressing any opinion upon these points." Hence of the impropriety of Admiral DEWEY's unexpected and one-sided dictum there can be no question.

The conclusion reached by President ROOSEVELT is founded mainly upon the statements by the five Santiago Captains, exclusive of those commanding the New York and Brooklyn. Capt. CLARK ascribes to SAMPSON the credit for the blockade which led up to the fight and for the orders under which the fleet opened battle. During the running fight he "considered SCHLEY in responsible command," so far as he was concerned, but the latter did not, as a matter of fact, exercise any control over any movement or action of the Oregon," neither

as to course, or speed, or gun fire. Against this comparatively negative view, the conclusions of the other four Captains stand out in strong relief:

Capt. PHILIP of the Texas: " Admiral Sampafter the action."

Capt. Evans of the Iowa: "When the fight began Admiral Sampson's ship, the New York, was in selved no orders from the Brooklyn, nor should I have heeded them if I had received them, inasmuch as I considered Admiral Sampson to be pres-

Capt. TAYLOR of the Indiana: " At the beginning of the fight the New York was about as far to the east of me as the Brooklyn was to the westward. I considered Admiral Sampson present and in com-

Commander WAINWRIGHT of the Gloucester At the outset of the fight the New York was not much further away from me in one direction than the Brooklyn was in the other, and was in plain sight. Of course Admiral Sampson was present and in command."

With these documents before him, coupled with other testimony, including that presented before the Court of Claims. President ROOSEVELT concludes that the recommendations of President McKINother recommendations would have been

unjust. So two Presidents, McKINLEY and ROOSEVELT, each of singularly open because the very basis of their contenand impartial mind, have studied the battle of Santiago and agree in naming Rule, inasmuch as Irishmen by the Act and brutes may be unable to think in

Sampson as the commanding officer. VELT'S paper should not be allowed men. To those who comprehended the collie in Brooklyn who has to be dragged Artillery School at Fort Monroe since that Mr. Darley.

to pass without special notice, inasmuch as it fails of justice to SAMPSON, though we mention this not from mindfulness of respect for military law and practice.

"The actual fact, the important fact," says the President, "is that after the battle was joined," which he has just shown was under Sampson's orders, " not a helm was shifted, not a gun fired, not a pound of steam was put on in the engine room aboard any ship actively engaged in obedience to the order of either SAMP-SON or SCHLEY, save on their own two vessels. It was a Captains' fight."

Yes, it was a Captains' fight, as on other levels of action it was a gun captains' fight, and a gunners' fight. But Sampson was commander when the battle began, and his command he never lost; and when we come to apportion the commander's honors, by a universal rule of military practice the truth is that, with the exception of the Brooklyn's loop, not a helm was shifted, not a gun was fired, not a pound of steam was put on in the engine room aboard any ship actively engaged, except under orders from Rear Admiral Sampson. To him the honors of Santiago are due as clearly and emphatically as though the New York had fired at the Spanish ships every shot in her locker.

The Schley bubble is exploded, and the Schley mania cannot long survive it. But incurable is the misery it has left in its train.

Leo XIII.

Pope LEO XIII. celebrates with great ceremony to-day the beginning of the twenty-fifth year of his remarkable pontificate. He has almost completed his ninety-second year. He has worn the triple crown longer than any man since Saint PETER, except Pope Pius IX., his immediate predecessor, and Pope Pius VI., and should he live, as every one must wish, till November next, he will have surpassed the length of the latter pontificate. He is already the oldest man that ever sat in PETER's chair save perhaps GREGORY IX., who, according to some authorities, was "nearly a hundred" years old when he died. He was made a priest sixty-five years ago, a Bishop sixty years ago, a Cardinal fifty years ago.

It was in part owing to his delicate health and his fragility that GIOACCHINO Pecci, Cardinal Archbishop of Perugia, came out of the consistory of 1878, as the successor of PIUS IX. The Cardinals believed that he could not live many years and were willing to put off for a while the conflicts within the Sacred College. Yet his wonderful constitution has enabled him to outlive all but three of the men who took part in that election, and his vigor of mind has made his pontificate the most notable in centuries.

Nobody could dream of ascribing senility or indolence to LEO XIII.'s long reign. It has been a period of eager and unceasing action within the Church of which he is the visible head, and in all that has been done the venerable Pontiff's share has been unusually great. In the non-Catholic countries Catholics have increased in numbers, while the prejudice and bitterness against them gree. Protestants have shown themselves ready to work with Catholics tion that LEO XIII.'s personal character

Lord Rosebery's Repudiation of Home Rule.

In his speech at Liverpool last week, Lord ROSEBERY announced that, for his own part, he repudiated the political alliance which has been maintained for some sixteen years between the Gladstonian Liberals and the Irish Nationalsuch exclusion, the majority of the Court ists. What was the motive for the repudiation, and what is likely to be the effect on the relations of political parties in the United Kingdom, and on the author's personal fortunes?

There is nothing surprising in Lord ROSEBERY'S declaration. He has long forfeited the confidence of the Irish Nationalists and of such British Liberals as Sir HENRY CAMPBELL-BANNERMAN, Sir WILLIAM HARCOURT and Mr. JOHN MORLEY, who adhere firmly to the Home Rule feature of the Gladstonian programme. He lost it when he threw a damper on the hopes of his party by asserting that, in his opinion, Home Rule for Ireland would never be attained inant partner " in the United Kingdom, by which, of course, he meant England proper, as distinguished from Wales, Scotland and Ireland. It was recognized at the time by intelligent onlookers that no utterance was ever framed more cynically disregardful of the equal rights assured by successive Acts of ber, and that the will of the United Kingdom should be expressed by a majority of the House, without referity of the members returned from constituencies in England proper.

On its face, Lord Rosebery's assertion was rankly unconstitutional, for sure whether he is opening his own front it signified that a minority of the House of Commons would, could and should cautious, and he soon learns the necesoutweigh the desire of a majority, pro- sity of giving his house an appearance vided the minority included a major so original that he can't mistake it for part of the members returned from somebody else's. Have you ever noticed LEY "were eminently proper," and that constituencies south of the Tweed and the peculiarly long-drawn, melancholy. east of the Welsh border. This was a position which Conservatives and Lib- They know that there is something eral Unionists had never dared to take, tion was that Ireland did not need Home of Union had acquired political rights general, but an intelligent dog is sad-One passage in President Roose- absolutely equal to those of English- dened by a mess of colors. There is a Frank in 1899, and has commanded the

significance of Lord ROSEBERY'S words it seemed an astounding thing that Mr. GLADSTONE's first lieutenant and chosen of the fearful wrong done to that un- successor in the headship of the Liberal fortunate officer, but merely in a spirit party should have propounded a theory which the Tories themselves, though they may have acted on it, had been too timid or too shrewd to formulate. There was but one additional step

> for Lord ROSEBERY to take, and he took it in this speech at Liverpool. Having begun by saying many years ago that, in his opinion, Home Rule would never be granted to Ireland until a majority of the English members in the House of Commons, though they might constitute but a minority of the House, should approve of it, he now goes further, and says that the English members never in his deliberate judgment, it is essentially inadmissible. Never will such a declaration be forgiven on the part of the Irish Nationalists, nor on the part of those British Liberals who are honestly in favor of Home Rule. Nobody, of course, is more keenly alive to that fact than Lord ROSEBERY, who made his speech with his eyes wide open. It is in a very different quarter that he looks for supporters, and just here his motive discernible. He already counted among his adherents that section of the and Sir EDWARD GREY, which has always been lukewarm in its acceptance of the Home Rule feature of the Gladstonian programme; and, from the moment that Lord ROSEBERY openly repudiates that feature, there is no reason why the whole body of Liberal Unionists also should not rally to his standard. It may be thought that Mr. CHAMBERLAIN might resent Lord Rose-BERY's elevation to the leadership of a reconstructed Liberal party, to which the Liberal Unionists would contribute an important element. So he would, no doubt, if Lord Rosebery were a member of the House of Commons. As it is, the ambitions of the two men may easily be reconciled. It is, therefore, possible, if not probable, that we may presently witness an attempt to reconstruct the Liberal party on the lines which it occupied in December, 1885, when Mr. GLADSTONE publicly repelled the proposal of Home Rule; when Mr. PARNELL urged all Irish electors in British constituencies to vote for Conservative candidates; and when, notwithstandsupporters returned to the House of Commons equalled that of Conservatives and Irish Nationalists combined

> But we conclude that Lord ROSEBERY. by his speech at Liverpool, renounced the prospect of figuring at the head of a reunited and triumphant Liberal Liberal Unionists and the Asquith wing of the Gladstonian party.

Municipal House Painting.

It is pleasant to know that the great wave of municipal art improvement is rippling on the shores of Akron-by-the-Ohio-Canal. Our concise friend, the Gazetteer, counts dryly on its fingers the soap works, boiler works and so on of that prosperous Buckeye city, but have decreased in an unprecedented de- says naught of esthetic longings, passionate thirst for beauty, a soul above acutely sensitive to the fluctuations in soap and boilers. Form and color must the material prosperity of his fellow ever beautiful he is and however harand high purposes have compelled. monious he seeks to be, has proposed We hope he may live to complete the no such thoughtful scheme of municipal color as comes from Mayor Doyle of Akron. Mr. Doyle asks that a municipal commission be appointed to select the colors to be used in painting the houses and other buildings. At present the colors are determined by trafficking in them, but he has no buildings. At present the colors to be used in painting the houses and other buildings. At present the colors to be used in painting the houses and other buildings. At present the colors to be used in painting the houses and other buildings. At present the colors to be used in painting the houses and other buildings. At present the colors to be used in painting the houses and other buildings. At present the colors to be used in painting the houses and other buildings. At present the colors to be used in painting the houses are foreign to the public health. They are by no means an indispensable adjunct to our system of education. Fresh air and open playgrounds are the crying needs of our city children, are the crying needs of our city children. pal commission be appointed to select there is a medley and hash of hues; odious to the Mayor's eye and soul. He wants colors that will be at peace with one another and give him peace; and his wish is commendable.

In large American cities where the houses are mostly of stone and brick, incongruity of appearance. Every man builds his house according to his taste and fancy, and without regard to his neighbors. This variety of architecture and the differences in height give a street an irregular look, although we are not prepared to say that the deadly monotony of the brownstone district, which will cease to be brownstone before long, so rapidly are buildings torn down and put up, is preferable. On the West Side uptown, and in the new houses on the Fifth avenue there is variety enough, and all the styles of architecture that ever have been and until the proposal should gain the sanc- many that never were until recently, tion of what he termed the "dom- try to stare one another out of countenance. In the borough of The Bronx, in many parts of Brooklyn, generally wherever wooden houses are assembled and meet together there the house painter runs riot. Greens, blues, yellows, reds, each more vivid than the other, and all helplessly tangled glare at the horrified beholder. Perhaps the houses were Union to Scotland and Ireland in the built by accommodating speculative United Kingdom. Those Acts of Union | builders eager to please every whimsimeant, if they meant anything, that cal taste; but they look as if each housethe vote of a Scotch or an Irish member | holder had found, after long and patient of the House of Commons should have study, the color or combination of colors exactly the same weight that was at- that would be the greatest affront to tached to the vote of an English mem- the color scheme of his neighbors. Each house seems to challenge its bystanders.

The practice has obvious practical advantages which may make it long ence to the question whether that ma- lived. Sometimes a builder will conjority happened also to include a major- struct a block or a half mile of villas or cottages of a maddening uniformity. The man who lives in any one of them has to take his bearings before he is gate or a stranger's. He has to be inconsolable howl of dogs in the suburbs? remarkable in the looks of the houses. Something irritates them, pains them, hurts their eyes. LOCKE may be right

by the collar when he comes near a car-tain chocolate and pistache house with

a meringue plazza in East New York. When even dogs cry out at these enormities, it is no wonder that thoughtful and sensitive men like the Mayor of Akron seek a remedy and want a benevolently paternal municipality to overrule the freaks of owners and fantasies of house painters. But what to do? A man's house is his paint box, if he so chooses; and individualism must prevail.

The System.

The System is elastic. It provides for an infinitude of contingencies.

When a popular upheaval drives the man out of office the System secures ought to sanction the proposal, because, to him immunity against punishment for his crimes. He is confirmed in the possession of the foul Swag he has accumulated. He is a Blackmailer sanc-

tifled by wealth. It is not well to repine against the System. It is unwise to bear witness against it. Assassination is the penalty. Whoever dares to tell the truth, however worthy he may be, is a marked man. The night will come when a sure and well-planned blow will fell him and Gladstonian party, led by Mr. Asquith the immunity of the master will extend to the slaver and all will be well.

How long will Public Opinion remain

Cuba.

If any one thinks that the appeal for Cuba heard at Carnegie Hall last night, did not originate in the same sentiment as that which culminated in the war for Cuban liberty, he is mistaken. The island which that war made American in fact as well as in geographical name is still in distress. And only the United States can help her.

Congress had the sole power of making war in Cuba's behalf. Congress has the sole power and hence the sole responsibility for giving her relief.

A Police Tip.

The purchase by Mr. WILLIAM S. DEVERY, until lately a chief policeman, of real estate in this city amounting in value to some \$379,000, should be of interest to all like investors of money. It is a striking illustration of the confidence ing, the number of Mr. GLADSTONE'S in the growth of New York which is implanted in the breasts of many who have served the city long-if in varying capacities. Mr. THOMAS BYRNES, one of the most eminent of Mr. DEVERY's predecessors, dealt largely in New York real property. The number of retired and active Police Chiefs who have steadparty. That is not to say that he might | ily applied their savings-as well as not bring about a successful coalition | their earnings-to the purchase of houses between dissatisfied Conservatives, the and lots in New York is larger than any one can realize without reference to the tax records.

No one knows New York better then the New York policeman of high reak. His earlier experience has made him intimately familiar with the life of all sorts and conditions of its citizens, their tastes and their ways of doing business. He has been responsible all through his career for the safety of the property interests of New Yorkers Many influences have combined to make him ness and without the peculiar gift of understanding and managing men. It is instructive to observe how a man so

intimate knowledge of that market. But he knows New York; he is confident that it will continue to wax great among the cities. He believes that land values will rise, and that there will always be profitable tenants for his buildings. So he places his money where there is an amazing disproportion and he thinks it will do him and his heirs the most good.

Mr. DEVERY'S investment is also interesting in that it demonstrates that the his always interesting personality is broad enough to realize that the success at the polls of an administration opposed to all his ideals will not necessarily injure permanently the material welfare of the town.

A New Railroad Commissioner.

The fall of more than nine inches of snow is an excellent test of the resourcefulness and earnestness of the Street Cleaning Department. So far as our observation goes, Commissioner Wood-BURY and his subordinates are meeting the strain with inspiring energy and ingenuity. The employment of a steam railroad train, one of the Hudson River company's, to carry away the snow which clogged traffic between the wharves and the wholesale houses along the lower West Side of the city was a highly noticeable innovation.

Snow in a big city like this is a nuisance and we want none of it. But it is a comfort to know that folks who have sense enough to use railroad trains in the effort to get rid of it are looking out for our comfort. Not one of the regular Railroad Commissioners of the State equals, in our estimation, Commissioner WOODBURY in respect of pub-

President ROOSEVELT has promoted Col. FRANCIS L. GUENTHER, Artillery Corps, to be Brigadier-General, thus filling or of the two vacancies in that grade which have existed since last autumn. The vacancy will not remain filled long, however, as the new Brigadier-General will retire for age on Saturday.

Gen. GUENTHER was appointed to the Military Academy from this, his native Military
State, in 1854, and was graduated in
1859, the course at West Point taking
five years then. He served with the artillery during the Rebellion, and held his commission as Captain from July 2, 1863, to June 26, 1882. He became Major on the later date, Lieutenant-Colonel in 1891, and Colonel of the Fourth Artillery on June 6, 1896. He has been senior Colonel of Artillery since the promotion of Col.

time. Gen. GUENTHER was brevetted four times during the Rebellion, and during Spanish war served as Brigadier General of Volunteers from May to No-

vember. In length of service—nearly 48 years-he is the senior officer of the army; and his promotion is a deserved recognition of long, faithful and distinguished services to his country.

When the Danish West Indies come under our flag it is to be hoped that a longfelt want in the island of St. Thomas will be met the next day. In a fortress in the harbor there is a cannon, which, judging by its report, weighs 150 tons. It is fired every morning about 4 o'clock, in mere continuation of the old practice of waking the slaves; and its awful blast is almost a twenty-four-hour terror to all strangers. if not to the inhabitants. " Fold up the banners, smelt the gun," as the late WILL H. TROMPSON said of Gettysburg.

Seeing the Hon. TIMOTHY E. ELLSWORTH'S refusal to make himself a part of Schleyism, we give the New York Senator the credit of hating fraud. Circumstances have made that quality especially worthy of notice and commendation.

NOW REAR ADMIRALS.

Capts. Philip H. Cooper and George H. Wadleigh Promoted. WASHINGTON, Feb. 19.-The President to-day sent the following nominations

to the Senate: Capt. Philip H. Cooper and Capt. George H. Wadleigh, to be Rear Admirals; Lieutenant-Commander Charles W. Bartlett, to be a Commander; the Rev. Bower R. Patrick, to be a Chaplain; Lieutenants (Junior grade), Fritz L. Sandoz, Frank Lyon, John M. Luby, Arthur G. Kavanaugh, Charleton F. Snow and Henry T. Baker, to be Lieutenants. F. Show and Helli tenants.

To be members of the Board of Visitors to the United States Naval Observatory: Charles A. Young of New Jersey, Ormond Stone of Virginia and Charles F. Chandler of New

THE ISLAND OF MIQUELON. Is Its Transfer From France to England Now Contemplated?

TO THE EDITOR OF THE SUN-Sir: It is currently reported in French newspapers that an arrangement is being negotiated between Great Britain and France by which the French Government will consent to the abrogation of the clauses of the Treaty of Utrecht granting to France exclusive fishing rights on a long stretch of the coast of the island of Newfoundland. In exchange, the British Government is said to be willing to recognize French sovereignty over the New Hebrides group in the Southern Pacific.

This is a matter which does not concern is directly in any way, but there is a subject in connection with the Newfoundland negotiations that appears to come within the scope of the Monroe Doctrine and to be touched by the article in to-day's SUN on "Conquest by the Mighty Dollar." I mean the eventual disposition of the island of Miquelon at the southern extremity of Newfoundland and

at the entrance of the Gulf of St. Lawrence No mention is made of Miquelon in any of the published reports of the negotiations, but it is only reasonable to suppose that, for a great many reasons, the British Government rangements now pending. Now, a transfer f Miquelon from the French to the British flag would be in direct contravention of the fundamental principles of the Monroe Doctrine, inasmuch as it would be an extension of the possessions of a European Power on the American Continent. That alone, apart from the great strategic value of Miquelon as a naval station, makes it an object of immediate and real concern to us to know whether such a transfer of Miquelon is in ontemplation

Infection Through School Libraries.

TO THE EDITOR OF THE SUN-Sir: May I be permitted through the columns of your paper to call the attention of the public and also that of the Board of Health to a fact seemingly overlooked, that of the indisriminate distribution of libraries in our public schools, despite the increase of small and to respect their belief as they never did before, a change accountable in a high degree to the respect and venera
soap and color must the material prosperity of his fellow citizens. No police captain, inspector or citizens. No police captain, inspector or citizens. No police captain, inspector or chief ever reached his high office withhigh degree to the respect and venera
for loveliness. Mayor Harrison, how-

pox. Later the case was discovered and the man removed from his home to the island, where he died. As libraries are exchanged

TO THE EDITOR OF THE SUN-NO: There is no water to spare in Suffolk county. inhabitants and industries need it all. Sulfolk county is long and narrow; with little hill country and denuded woodlands, she has no water to spare, not a gallon. Let Kings county conserve what water she now has as New York ought to do, stop the leaks and use ordinary business sense in dealing with the question.

The cold truth is, this agitation to repeal the Burr act is only a little Eaguage inh

The cold truth is, this agitation to repeal the Burr act is only a little Ramapo Job. Suffolk's oyster industry, now of considerable importance, though in its infancy, will be ruined if the streams of fresh water running into the Great South Bay are diverted. Fire Island Inlet will close and the bay become a swamp. Suffolk's land and water are all needed to furnish food to its inhabitants, and to the metropolis as well, and summer homes to those denizens of the great city who don't want to get too lar away from the who don't want to get too lar away from the NEW YORK, Feb. 17.

Representative Wheeler and the Constitution. To THE EDITOR OF THE SUN-Sir; Article I. of the United States Constitution relates to the Leg-islative. At the end of section 6 of this article are these words: "And for any speech or debate in either House they shall not be questioned in any other place." This immunity from responsibility for words uttered in debate affects two classes of mind

differently.

First—One class, including our greatest states—men, says: "As I cannot be called to account for what I say in debate I am put on my honor to say nothing which I could not justify outside of Con-Second-Another class says: "As I am free from

all responsibility for anything I may utter, I can misrepresent, lie, slander, as I please, with entire To which class do Mr. Wheeler and his applauding friends belong! PHILADELPRIA, Feb. 15.

Engineer Confesses to Sleep on Duty.

From the Pillsburg Post.

The open confession made by Engineer Jackson of the Fort Wayne, explaining that he happened to go to sleep in his engine for a minute or two, will be interesting to all railway officials. Mr. Jackson might have advanced various excuses which would have set the signal men and all the transportation officials at work hunting for the cause of the acci-dent. He attempted no evasion, but simply stated that he had inadvertently fallen asleep just for a minute or two and overlooked the signal.

No Conviction for Sunday Liquor-Selling in Kentucky.

From the Louisville Courier Journal.

The jury failed to agree yesterday in the trial of Doc Faust a saloonkeeper indicted under the general Sunday law. This is said to be the third case tried in Jefferson county under the general Sunday law and no con-viction has ever resulted.

Largest Snohomish Fir Tree Felled. From the St. Louis Globe Democrat.

TACOMA, Wash., Feb. 16.—The largest fir tree in Washington has been cut down near Arlington, in Snohomish county, with the intention of exhibit-ing a 20-foot section of it at the St. Louis Exposition The tree was 18 feet through at the base

It Seemed to Him. "Is it winter or summer in South Africa now?"

asked Mrs. Darley.
"It seems to me that it is De Wet season," replied

NO DEATH PENALTY IN MASSA-CHUSETTS

Hanging Is Played Out" in the Old Bay State Soft-Hearted Juries Step It.

From the Boston Daily Advertiser. It is rumored already that the counsel for Miss Jane Toppan, the woman now held in the Barnstable fail on a charge of murder, will show that she is insane. They know their business best, of course; but if they pelieve her sane they would probably take little risk in going to a trial, so far as the death penalty comes into account. safe to say that no woman will ever be convicted of murder in the first degree here in Massachusetts. For that matter, it is quite murder trial that even a man will not and cannot be convicted, unless he self and commits the crime before a number of witnesses. In other words, while men have been sentenced to death for murder in this State, the thing happens so seldom that a conviction is unusual and remarkable.

The Borden case, the Fosburgh case, the

Eastman case, are trials which are well re-

membered as showing how the courts cleared In those case there was no plea of insanity, no request for a milder sentence or a pardon, no plea of guilty on a less dangerous count. The accused simply hired good lawyers, pleaded not guilty and left the burden of proof to the other side. They found the trials more or less expensive financially, of course, but the average man or woman will spend a good deal of money to save his or her life. In the Eastman case the defendant asked that some of his expenses be paid out of the public funds. In the other cases the defendants paid without a murmur.

But to understand how it is the rule that men and women under the threat of the electrical chair usually escape that fate, take only the well-known murder cases for the last five years in this State. Five years ago there were the Willis case at Taunton, the Stewart case at Chicopee, the Roundtree affair in Roston, the Samuel Whitaker murder in Cambridge, the atrocious Kratherski case in Springfield, the cases of Minnie Moody at Fairhaven and J. M. Harris at Concord. In only one case was there a conviction for murder in the first degree, although in all In those case there was no plea of insanity. only one case was there a conviction for order in the first degree, although in all a evidence showed murder clearly. All t Krathorski got life sentences, escaping a gallows on a count of murder in the second gree.

In 1898 the same story was repeated. A. C. Williams was found guilty of the murder of John Galls at Lynnfield and was hung; but Manchester got a verdict of "manslaughter" in the Westport case; Francis McLaughlin got off as insane in Boston; Mosley had the same good fortune at New Marlborough. Lebbie Boinsky, who killed her infant child at Boston, and Harrigan, who killed John Cotton at Attleboro, got verdicts of manslaughter. Gilbert Peters, who killed Belle Rollins at Royalston, was equally fortunate. Samuel Maxwell had a verdict of "second degree." In 1899 Peter King of Sturbridge got off on the insanity plea. Joseph Lavey of Boston got a verdict of manslaughter, Gullano of Springfield, Canfield of Boston and Roberts of Boston, got "second degree."

In 1901 Daniel Leary, for the Fuller murder. Buttefield and Max Normanare in the Coler Guliano of Springfield, Canfield of Boston and Roberts of Boston, got "second degree." In 1901 Daniel Leary, for the Fuller murder in Pittsfield and Mrs. Narramore, in the Colebrook tragedy, were saved by the plea of insanity. Burns and Panfilo Sussi and most of the others got state's prison sentences for life or for shorter periods. The feeling over the great number of killings in Boston did bring about sentences for Storti and Umahan, but it was a temporary outburst. Best was convicted for the Lynn murder, and Cassels in Springfield, but they have not yet gone to the chair. These, with Krathorski and Williams, O'Neil and Barnes, make up all the sentences for murder in the first degree since 1806. Over fifty other cases in the last

then capital counts.

The explanation is, of course, that the great body of jurymen will not convict of murder in Massachusetts unless there is no possible escape from such a verdict. The "insanity" plea, the self-defence plea, the "impulse of the results.

escape from such a verdict. The "insanity" plea, the self-defence piea, the "impulse of the moment" and all the other pretexts offered by attorneys for the defence are snapped up by soft-hearted jurymen as an excuse for not sending a murderer to the punishment that he deserves. Then, when a soft-hearted Governor gets in, the men are pardoned out when enough years have elapsed to allow people to forget the bestiality and the devilish malice of the crime. It has been so in the past, and will always be so.

SENATOR VEST'S DOG CASE. His Client Liked a Good Dog, and the Best Lawyer Was None Too Good.

From the Washington Post. story is going the rounds of the newspapers crediting Senator Vest of Missouri The eulogy of the dog is really a beautiful one, and it is not surprising that, according to the story, Senator Vest won his case in

some one asked him if the story was true, that they are probably as often "I did have a case in which I said something" as any in the English language. about the dog, but the speech, as printed, speed was taken to the authorities, to the is not exactly as I delivered it. There was satisfaction of some, the amazement of others no shorthand writer in court, and the re- and the doubt of a few tion of rough longhand notes and memory.

"Well," said the Senator, "one day I was day, when a farmer stopped me on the street

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Squire Vest, he said, 'I want to hire you
in a case,' 'What kind of a case?' I asked.

'A dog case, he replied.

'I looked at the man and made up my
mind that I did not want to go into court
on a dog case, so I told him that he had better
go to a younger lawyer, as I would charge
him too much. 'How much?' he asked, and
I named \$500 He went down into his pocket,
took out a roll of bills and counted \$100 into
my hands as a retaining fee. I grew interested, of course, and asked him for the
details. He told me that he had owned a
peculiarly fine dog, which had been shot
is cold blood, as he expressed it, by his wife's
brother, with whom he had had trouble. 'I
loved the dog,' said the farmer, 'as I love
my wife and child, and I am going to make
his murderer suffer, if it takes every cent
I have.'

"The dog," continued Senator Vest, "was
really a valuable animal and was known
throughout the country for miles around

"The dog," continued Senator Vest, "was really a valuable animal and was known throughout the country for miles around. The farmer had secured over a hundred witnesses as to the value of the dog. I tried the case and, as I have always liked dogs, I did make a speech which influenced the jury. We asked for \$200 and the jury gave us \$500. But that dog case "said the Senator, laughingly, "was my first and only one."

lar, and gave her dollar a reputation better than that of any other nation, until in recent years the great decline in silver has changed its status in some other colonies. But it is still much respected even at its rate as bullion. When France's money was at 75 per cent, discount in Louisiana the Spanish dollar was eagerly sought, even there.

While we ought to give our colonies plenty of subsidiary silver, we ought to revise our system, and add to the coin's weight, but above all else we ought to give the single gold standard to all our islands. I do not consider Spain's later treatment of the island of Potto Rico and the Philippines, in giving them what is called monopoly coin-peaos, which were tied "to the soil," for "that is another story."

tory."

The first bit of justice to the islander who prefers

The first bit of justice to the islander who prefers to use silver even in transactions where he might well use gold were to give him silver coins with a dollar's worth of silver in what is nominally a dollar or as nearly as may be, conveniently. We ought them on a silver hasis, as we are asked to provide our merchants to do, without making the silver money equal to gold. This we can do safely only as I have indicated for the mint value and the bull on value must be equivalents; otherwise the coin is "sick."

POSEY S. WILSON.

WASHINGTON, Feb. 17.

Not Fully Equipped.

"I went South to spend the winter among the palms, the flowers, and the sunshine, but I was so absent-minded I had to come right back."

"Forgot my snow shoes."

JUDGING WHISKEY.

How a Man Was Able to Name Three Brands When He Was Blindfolded.

From the New Orleans Times-Democrat "Funny," isn't it," said an expert taster f tea, who is employed in one of New York's largest importing houses, "that a whiskey drinker like our friend here could not, to save his life, tell the grade and brand of iquor he takes after he has had two drinks?" "Oh, yes, I can," replied the gentleman addressed," and what is more, I can tell the brands of more than two kinds of whiskey

and can do so with absolute certainty." "Bet you can't," said the tea man "Bet I can," said the liquor expert. And finally they put up a substantial wager on the outcome of the dispute, which was con-

ditioned about like this: The liquor expert was to distinguish between three kinds of liquor and name the brand of each. He was to drink the liquor blindfolded, and was to have the privilege of selecting the three kinds of whiskey to be used in the test. He selected a well-known brand of rye whiskey and an equally well known brand of bourbon, both being case goods, and as the third grade he picked the bar liquor dispensed in the place. He was blindfolded and the bartender poured out a drink of each of the whiskeys and placed them upon the bar. The expert picked up the first glass and applied it to his nose, then tipped it skyward and drained it. the case bourbon," he said. The next glass was correctly pronounced to be the bar whiskey and the final drink, of course, was the case rye. He won his bet and the tea man had to own that he was beaten. The money was paid and the tea man turned to the liquor man and said:

"How on earth did you do ft?" "Just as simple as shooting fish in a barrel," said the lucky winner. "You see, it is not very difficult to distinguish between rye and bourbon, if you have not been drinking,

very difficult to distinguish between rye and bourbon, if you have not been drinking, he explained. "The taste and the smell of the two varieties are distinctive, and even a novice can tell them apart. Now, prealize as well as my friend from New York that after taking two drinks no man on earth can tell one kind from the other with enough certainty to name the brands. You see, I rather took advantage of him when I claimed that I could tell more than two brands and we settled upon three. For if I could tell the two first drinks I took the other one must of necessity be the third, and so it is as easy to tell three kinds as it is two."

"How did I do it? Well, I do not care if you know, now that the bet has been decided. As I said before, the difference between rye and bourbon whiskey is enough to announce itself to any one who is at all familiar with liquor, provided he has not been drinking immediately before the test. Now, you notleed that I picked out a case rye and bourbon, and the liquor served over this bar is also rye. Now, the difference between the bar rye and the case bourbon would be easy enough to distinguish, but a person would naturally think that if I had to pick between the two rye whiskeys I would have been "up against it. Well, I took that chance, because it is against ethics to wager money on any proposition where the other fellow hasn't a chance. But when all is all said and done I did not run any desperate ability to pick out the three brands lay in the fact that I noticed that the bar whiskey was kept on the ice all the time, while the case goods came from back of the counter, and the liquor contained in the bottles on the shelves was considerably higher in temperature than that contained in the rye whiskey dispensed over the bar. I have been around enough to know the difference between rye and bourbon, and when I smelled of the first glass of liquor and found that it was bourbon, I knew from my sense of smell alone that it must be case bourbon, because the other varieties selected for the test wers rye liquor. The second glass did not present any difficulty either, for my sense of touch told me that the glass was 20 degrees colder than the one I had just set down, and must of necessity be the bar whiskey. The rest, of course, was easy. No trouble at all. Like finding our friend's money on the street."

The whiskey expert turned to pass out of the barroom to the hotel lobby, when the tea man called to him and asked him a question in a low tone of voice. "What?" asked the astonished liquor man. "Why, of course I can't now. I could not tell the difference between champagne and mineral water, nor could any other man in my situation."

WELSH RABBIT AND CATCHUP. Fact and Speculation as to the Origin of Two Disputed Names.

From the Rochester Post-Express. At a post-theatrical luncheon the other night a discussion, characterized by a warmth which proved the strength of conviction, that they are probably as often misspoken which thus furnished food for argumentative flames were "catchup" and "Welsh rabbit. The discussion was by no means new in subject or substance and is worthy of comment only because the persons who took part in it represented in intelligence, culture and

information a large class of society who would use only the best words. Some one had spoken of "catsup" and was immediately challenged. "Ketchup' always," declared the challenger. " 'Catchup preferred," cried another, "Catsup" stood ground bravely, when fuel was thrown on the fire by the interjection of "Welsh rabbit" as an example. "'Welsh rabbit' is a corruption of Welsh rarebit" was the vigorous assertion of an objector. "It's a rare bit certainly," said another. And then somebody suggested the dictionaries. This is the

catsup:

Three authorities unite in declaring preference for "catchup." The origin of the word does away with the radical correctness of "catsup." Like most sances, catchup owes its origin to East Indian gastronomy. original word is "kitjap." The Standard dictionary says that "catchup" is preferable maw, Fairbanks and the Kentucky Colonel.

From the Hazel Greene Heraid.
One of the campaign stories that floated through he cloak room recently, says the Washington bost, related to Senator Fairbanks of Indiana and Governor Shaw of Iowa, the newly appointed Secretary of the Treasury. According to the story these two orators were stumping Kentucky.

After a successful meeting the Kentucky Colonel who had the two Republican statesmen in charge, invited them into the hotel barroom for some refreshments. "What'll you have?" he asked Senator Fairbanks.

"A little cold Apollinaris," was the reply.

"And you?" said the host to Governor Shaw (who is a good Methodist, and resides in one of the best dairy counties of the Hawkeye State).

"I think I shall have a glass of buttermilk."

The bartender turned to the Kentuckian.

"What shall I give you, Colonel?" he asked.

"The Kentucky gentleman heaved a long sigh, "Under the circumstances," he said, "I think you can give me a piece of pie."

"Think I shall have a glass of buttermilk."

The bartender turned to the Kentuckian.

"What shall I give you, Colonel?" he asked.

"The Kentucky gentleman heaved a long sigh, "On the decrease of pie."

"Under the circumstances," he said, "I think you can give me a piece of pie."

Gold Standard for the Philippines.

To the Editor of the Schrost. Once again comes the wolf seeking the welfare of the sheep. Again the colonial trader urges Congress to give the Philippines an inferior circulating medium of exchange and standard of valuing. For centuries Spain dealt fairly with her colonies in this particular, and gave her dollar a reputation better than that of any other nation, until in recent years the great decline in silver has changed its status in some other colonies. But it is still much respected even at its rate as buillion. When France's money was at 75 per cent. discount in Louisians the Spanish dollar was eagerly sought, even there.

While we ought to give our colonies pienty of subsidiary silver, we ought to revise our system, and add to the coin's weight, but, above all else we ought to give the single gold standard to all our of border fights, anything that was particularly doubtful or ridiculous was branded works.

The Verdict.

"He stole a Texas pony," said Derringer Bill. "What shall we do about it?" "Mustang," shouled the rest of the Gory Guich outfit, for you must know, dear reader, that life in the far West does not destroy the innate sense of

American humor